

REMARKS

The Applicants appreciate the Examiner's allowance of claims 47-52, 56-61, 67, 68, 70 and 71, and the acknowledgement of allowable subject matter in claims 53-55 and 69.

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 7, 15, 23, 31, 39 and 53 have been amended, claims 8, 11, 16, 19, 24, 27, 32, 35, 40 and 43 have been canceled without prejudice or disclaimer for filing in a continuation application, and claims 1-6 have been previously canceled. No new matter has been added as, support for the amendments may be found in the specification as filed, at, for example, page 20, line 25 - page 21, line 1; and page 21, lines 22-27. Thus, claims 7, 9, 10, 12-15, 17, 18, 20-23, 25, 26, 28-31, 33, 34, 36-39, 41, 42, and 44-76 are currently pending in the application and subject to examination.

Informal Matters

In the Office Action mailed August 22, 2007, claims 53-55 and 69 were objected to as being confusing. Claim 53 has been amended responsive to the objection, thereby placing this claim in condition for allowance (see, *Office Action*, page 9, paragraph 29). In particular, claim 53 has been amended to delete the first occurrence of "comprising" on line 2 thereof. The Applicants would like to further point out that claim 53 is directed to a system for reproducing audio data from a disc-shaped recording medium. If any further amendment or explanation is needed to overcome the

objection, the Examiner is requested to contact the Applicants' undersigned representative.

As claim 53 is now allowable, the Applicants submit that claims 54, 55 and 69, which depend from allowable claim 53, are likewise allowable for at least the same reasons as claim 53. See, *id.*

Accordingly, a Notice of Allowability of claims 53-55 and 69 is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

In the outstanding Office Action, claims 7-46, 53-55, 62-66, 69 and 72-76 were rejected under 35 U.S.C. § 103(a) as being anticipated by Heo, U.S. Patent No. 6,167,192 (hereinafter, "Heo") in view of Aoki, U.S. Patent No. 6,243,220 (hereinafter, "Aoki"). It is noted that claims 8, 11, 16, 19, 24, 27, 32, 35, 40 and 43 have been canceled, and claims 7, 15, 23, 31, 39 and 53 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

In the Applicants' invention as recited in independent claims 7, 15, 23, 31, 39 and 53, a recording medium has a video data recording area in which video data and an audio stream containing audio data are to be recorded, and a video manager recording area located in a different position from the video data recording area in a direction of a diameter of the recording medium, in which control information is recorded. The control information in independent claims 7, 15, 23, 31, 39 and 53 includes a mixed mode flag indicating whether at least two of multiplexed audio, multi-channel audio and monaural audio are mixed as one stream, and selected in succession.

Thus, in the claimed invention, a mixed mode flag is provided (in an area of a recording medium separate from the audio data) for indicating whether at least two of **multiplexed** audio, multi-channel audio and monaural audio are mixed **as one stream**, and selected in succession.

In making the rejection, the Examiner admits that Heo does not disclose a “mixed mode flag”, “that these modes are selected in succession”, or that one “stream contains audio data intermingled from different recording modes as one stream”. See *Office Action*, p. 3.

The Examiner asserts that Aoki discloses, at col. 4, lines 35-43 thereof “a mode signal which tell [sic] if the stream is a singular stream of one kind of data or it is mixed data which contains various modes [such as monaural, bilingual etc. [sic]] in that stream”. *Id.*

However, at col. 4, lines 34-43, Aoki discloses:

An audio mode information signal input 6 containing an audio mode control signal of the audio signal input is supplied to an audio mode information signal processing circuit 10 together with **record channel information 36 where the audio modes of the respective channels (for example, monaural, two-language/multi-language, stereo 2-channel, stereo 4-channel or a combination thereof) is encoded** and it is supplied to the ID/sub-code insertion circuits 11 and 12 and an audio mode display unit 29.

Thus, although Aoki discloses “or a combination thereof” at col. 4, line 41, the Applicants submit that the Examiner has taken this statement completely out of context, as the basic premise of Aoki is “to provide a recording and reproducing apparatus which allows the after-recording and recording/reproduction of the audio signal while the

matching of the audio mode of the audio signal is maintained in the after-recording.”

Aoki, col. 3, lines 34-38.

To this end, Aoki discloses that “[i]n a preferred embodiment, the recording and reproducing apparatus comprises first input means for inputting a **multi-channel** audio signal, second input means for inputting audio mode identification information for identifying an audio mode, record means for **dividing the multi-channel audio signal to record the audio signal in a plurality of areas together with audio mode information containing the audio mode identification information**, reproduction means for reproducing the information recorded by the record means, and generation means for generating audio mode information in accordance with the audio mode information reproduced by the reproduction means.” *Id.*, lines 39-50 (emphasis added).

Thus, Aoki clearly discloses that the mode information signal (“mode signal” *Office Action*, p. 3, line 24) cited by the Examiner as allegedly “tell[ing] if the stream is a singular stream of one kind of data or it is mixed data which contains various modes...in that stream” (*id.*, lines 24-25), is (1) recorded **together with the audio signal** and (2) identifies a **multi-channel** audio signal.

As explained above, in the claimed invention, the mixed mode flag is used to indicate whether at least two audio data (e.g., multiplexed audio, multi-channel audio and monaural audio) are **mixed as one stream**. In other words, it is the subject matter of the present invention whether at least two audio data are mixed, not as a combination of a plurality of channels, but as one stream.

However, in Aoki, as cited above, the language “or a combination thereof” refers to a combination of two channels stereo, for providing two languages, as further

illustrated by table 1 and the accompanying disclosure of Aoki. Indeed, Aoki merely discloses combining channels, i.e., CH1-CH4. Aoki does not disclose nor even suggest providing any mix of modes of audio data in one stream, as recited in the claimed invention.

Furthermore, with respect to the Examiner's assertion at page 3, lines 18-22 of the Office Action that "one has to have a signal for modes. For example when a commercial on the TV comes on, sound level during the commercial goes up. This cannot be done unless one know what mode [i.e. commercial or regular program] is coming next. After looking at this volume is changed [sic]", the Applicants submit that, as shown in page 20, line 25 - page 21, line 1 of the instant specification, during the movie program with a plurality of commercial messages to be broadcasted, the movie itself and the commercials are mixed in the program, namely being alternately recorded, respectively. The Applicants submit that the audience perceived increase in sound level when a commercial comes on a TV is because the sound level of the commercial is initially made with a high level, and is not caused due to any difference of modes.

Aoki does not disclose or suggest a mix of modes in one stream as disclosed in the claimed invention.

Thus, neither Aoki nor Heo taken alone or in combination, discloses or suggests at least the features of a video manager recording area located in a different position from the video data recording area in a direction of a diameter of the recording medium, in which control information is to be recorded, wherein the control information includes a mixed mode flag indicating whether at least two of multiplexed audio, multi-

channel audio and monaural audio are mixed as one stream, and selected in succession, as essentially recited in each of independent claims 7, 15, 23, 31, 39 and 53, as amended.

For at least this reason, the Applicants submit that independent claims 7, 15, 23, 31, 39 and 53, as amended are allowable over the applied art of record. As claims 7, 15, 23, 31, 39 and 53 are allowable, the Applicants submit that claims 9, 10, 12-14, and 62 claims 17, 18, 20-22 and 63, claims 25, 26, 28-30 and 64, claims 33, 34, 36-38 and 65, claims 41, 42, 44-46 and 66, and claims 54, 55 and 69, which depend from allowable claims 7, 15, 23, 31, 39 and 53, respectively, are likewise allowable for at least the reasons set forth above with respect to claims 7, 15, 23, 31, 39 and 53.

Conclusion

For all of the above reasons, it is respectfully submitted that claims 7, 9, 10, 12-15, 17, 18, 20-23, 25, 26, 28-31, 33, 34, 36-39, 41, 42, and 44-76 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this

communication to Deposit Account No. 01-2300 referencing client matter number
107156-09071.

Respectfully submitted,

Arent Fox LLP

A handwritten signature in black ink, appearing to read "Michele L. Connell", is written over a horizontal line.

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Enclosures: Petition for Extension of Time